IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 6685 of 2002

Between:

P.Gurivi Naidu, S/o.Late Appa Rao, aged about

45 years, R/o.Korlakota Village, Amadlavalasa,

Mandal, Srikakulam District.

..... PETITIONER

AND

1. The District Collector, Srikakulam District, Srikakulam.
2. The Revenue Divisional Officer, Srikakulam, Srikakulam District.
3. The District Supply Officer, Srikakulam, Srikakulam District.
4. The Mandal Revenue Officer, Amadlavlasa Mandal, Srikakulam District.
5. Sanapala Rajulu, s/o.Mohan Rao, F.P.Shop Dealer No.II, Korlakota Village, Amadalavalasa Mandal, Srikakulam District.
6. P.Raju, S/o.not known, F.P.Shop Dealer No.1, Korlakota Village, Madalavalasa Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents 1 to 4 in initiation of any action against the respondents 5 and 6 in pursuant to the representation made by the card holders as well as president of the Korlakota village is illegal, arbitrary, unjustified and consequently direct the respondents 1 to 4 to allot and distribute the essential commodities to the cardholders of Korlakota village through neighbouring dealer K.T.Peta No.II i.e. Pydi Jagannadha Rao or Cooperative society Korlakota village, Amadalavalasa Mandal.

Counsel for the Petitioner: MR.A.RAMA RAO

Counsel for Respondent Nos. 1 to 4: GP FOR CIVIL SUPPLIES

Counsel for Respondent No.6: MR B.M.PATRO
Counsel for Respondent No.5 None appeared

The Court made the following :

ORAL ORDER:

The writ petition is filed by a villager of Korlakota Village, Amadlavalasa Mandal, Srikakulam District, aggrieved by what is characterized as the inaction of respondents 1 to 4 in initiating any action against respondents 5 and 6, fair price shop dealers of the village, despite representations made by card holders as well as the President of the village. In the affidavit, it is asserted that though the 2nd respondent had issued a show cause notice to the 5th respondent on 07-01-2002 on the basis of the complaint made by card holders against him, no action has been pursued thereafter, even though later on 31-12-2001 the President of the Village submitted a representation to respondents 1 to 4 complaining against the non conduct of any enquiry against the fair price shop dealers. Further, representations were made on 01-03-2002 and 27-03-2002 by the card holders without any response, is the complaint in the writ petition on the basis of which a direction is sought to respondents 1 to 4 to allot the essential commodities to a neighbouring dealer or a Labour Contract Cooperative Society of the Village for distribution of the same to the card holders of Korlakota Village.

Initially, a counter affidavit was filed by the 3rd respondent contending that the village is a factious village and that on receipt of a complaint against the dealers, a special survey of verification of cards was taken up and 19 bogus cards were deleted from shop No.2 and a show cause notice dated 07-01-2002 was issued to the 5th respondent. However, contended the 3rd respondent, as W.P.No.25221 of 2001 was filed by the 5th respondent challenging the show cause notice dated 07-01-2002, no further action could be initiated because of the pendency of the writ petition and as the writ petition was dismissed on 06-12-2004 further action would now be initiated against the 5th respondent. As per paragraph No.7 of the counter affidavit of the 3rd respondent, the disputes between the cardholders and the fair price shop dealers of Korlakota Village has also led to a law and order situation.

This Court on 15-12-2004 on noticing the apparent intransigence of respondents 1 to 4 in initiating even an enquiry against the dealers on the specious plea that some writ petition was filed by the 5th respondent, though no interim order was granted by this Court, directed the 1st respondent-District Collector, Srikakulam, to enquire into the matter and file an affidavit as to the action taken on the show cause notice dated 07-01-2002.

At last woken out of the complacence, the 1st respondent appears to have proceeded to the village on 19-12-2004 to enquire into the matter. The counter affidavit of the 1st respondent asserts that the authorization of the 5th respondent was cancelled on 15-12-2004 after enquiry, and alternative arrangements were also made on a temporary basis to keep the fair price shop dealer of the neighbouring village incharge of distribution of the essential commodities pertaining to Korlakota Village.

Since some action has been initiated against the 5th respondent and respondents 1 to 4 now seem to be sensitized and aware of their statutory responsibilities as regulators of distribution of essential commodities in Korlakota Village, the grievance urged by the petitioner no longer survives for adjudication.

In the light of the subsequent developments as recorded above, the writ petition is dismissed as infructuous. No costs.

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23-12-2004

vs

To

1. The District Collector, Srikakulam District, Srikakulam.
2. The Revenue Divisional Officer, Srikakulam.
3. The District Supply Officer, Srikakulam.
4. The Mandal Revenue Officer, Amadlavlasa Mandal, Srikakulam District.

5 2CCs to the G.P for Civil Supplies, High Court Buildings,

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